

REMARKS

Applicants, by the amendments presented above and the arguments presented below, have made a concerted effort to present claims which clearly define over the prior art of record, and thus to place this case in condition for allowance. Claims 1-8, 10-20, 22-24, 26-30, 32-35, 37-42 and 44-56 are currently pending. Claims 44-56 are newly added. Claims 9, 21 and 25 have previously been cancelled. Claims 31, 36 and 43 have been cancelled herein.

Election/Restrictions

Applicant acknowledges the Examiner's withdrawal of independent claim 43 from consideration. As such, Applicant has cancelled independent claim 43 herein, but Applicant reserves the right to file a divisional application based on the subject matter of independent claim 43 at any time during the prosecution of this application or any other application which claims priority therefrom.

Specification

The Examiner objected to the specification under 35 U.S.C. 132(a) because, in her opinion, the amendment filed on April 27, 2005 introduced new matter into the disclosure, namely, Applicant in claims 39-42 claimed the nut was "freely suspended" above the base portion. In view thereof, Applicant has amended claims 39-42 to remove the word "freely" therefrom. As such, Applicant states that the objection to the specification is overcome.

Claim Clarifications

The Examiner noted that claims 2 and 11 now say the nut is "engaged", not encaged, and requested that Applicant review same and ensure the language is correct. Applicant has studied same and has determined that the language is correct as written.

Claim Rejections -- 35 U.S.C. §112

The Examiner rejected claims 39-42 because they recite that the nut is "freely suspended" above the base portion. Applicant has amended claims 39-42 to remove the word "freely" from claims 39-42 such that Applicant states that the rejection to claims 39-42 is overcome.

The Examiner also rejected claims 8 and 20 because they were amended to include "and between said at least one wall portion of said body". Applicant has amended claim 8 to add that the at least one wall portion comprises first and second wall portions, and further to change "and between said at least one wall portion of said body" to -- and between said first and second wall portions of said body --. Applicant has likewise amended claim 20 to add that the at least one wall portion comprises first and second wall portions, and further to change "and between said at least one wall portion of said cage member" to -- and between said first and second wall portions of said cage member --. Applicant thus states that the rejection to claims 8 and 20 is overcome.

Claim Rejections - 35 U.S.C. §102

Claims 1-3, 5-8, 10-12, 14, 15, 19 and 20 were rejected under 35 U.S.C. 102(b) as allegedly being anticipated by United States Patent No. 3,451,455 to Parkin.

Independent claims 1 and 10 have both been amended in view of the rejection based on Parkin in order to further distinguish independent claims 1 and 10. More specifically, independent claims 1 and 10 have been amended to require that the body (in independent claim 1) or the cage member (in independent claim 10) provide a limited range of movement of the nut member in at least two dimensions. In the present invention, the body or cage member provides a limited range of movement of the nut member in three separate dimensions, the "X" and "Y" dimensions, as well as the "Z" dimension (axially along what could be called the bolt axis). Conversely, the body or cage member of Parkin is only capable of providing a limited range of movement of the nut member in only one dimension, the "Z" dimension (axially along what could be called the bolt axis). The cage member of Parkin is not configured and not capable of providing a limited range of movement of the nut member in either the "X" or "Y" dimensions.

Thus, Applicant respectfully requests reconsideration and allowance of independent claims 1 and 10 in view of the amendments made thereto in view of Parkin.

As Applicant states that independent claim 1 is allowable over Parkin, Applicant respectfully requests reconsideration and allowance of claims 2, 3 and 5-8 as they are all ultimately dependent upon independent claim 1.

As Applicant states that independent claim 10 is allowable over Parkin, Applicant respectfully requests reconsideration and allowance of claims 11, 12, 14, 15, 19 and 20 as they are all ultimately dependent upon independent claim 10.

Also, with regard to claims 8 and 20, the Examiner states that at least one arm portion (6) in Parkin can be moved to allow the second portion of the nut member to be positioned above the base, as the entire nut is always above the base. Applicants states that this statement by the Examiner is incorrect because, as illustrated in Parkin, the nut member is always *below* the base (1) (as defined by the Examiner).

Claims 1-3, 7, 8, 10-12, 19, 20, 22, 24 and 28-42 were rejected under 35 U.S.C. 102(b) as allegedly being anticipated by United States Patent No. 2,258,342 to Tinnerman.

Applicant has cancelled claims 31 and 36 herein.

Independent claims 1 and 10 have both been amended in view of the rejection based on Tinnerman '342 in order to further distinguish independent claims 1 and 10. More specifically, independent claims 1 and 10 have been amended to require that the body (in independent claim 1) or the cage member (in independent claim 10) provide a limited range of movement of the nut member in at least two dimensions. In the present invention, the body or cage member provides a limited range of movement of the nut member in three separate dimensions, the "X" and "Y" dimensions, as well as the "Z" dimension (axially along what could be called the bolt axis). Conversely, the body or cage member of Tinnerman '342 is only capable of providing a limited range of movement of the nut member in only one dimension, the "Z" dimension (axially along what could be called the bolt axis). The cage member of Tinnerman '342 is not configured and not capable of providing a limited range of movement of the nut member in either the "X" or "Y" dimensions. Applicant notes that the nut member in Tinnerman '342 could move in one of the "X" or "Y" dimensions (outside of the notch of part (11)), but that if the nut member in

Tinnerman '342 were allowed to move in this dimension, the part (11) would no longer encage the nut member, thus defeating the purpose of the present invention.

Thus, Applicant respectfully requests reconsideration and allowance of independent claims 1 and 10 in view of the amendments made thereto in view of Tinnerman '342.

As Applicant states that independent claim 1 is allowable over Tinnerman '342, Applicant respectfully requests reconsideration and allowance of claims 2, 3, 7 and 8 as they are all ultimately dependent upon independent claim 1.

As Applicant states that independent claim 10 is allowable over Tinnerman '342, Applicant respectfully requests reconsideration and allowance of claims 11, 12, 19 and 20 as they are all ultimately dependent upon independent claim 10.

Independent claim 22 has been amended in view of Tinnerman '342 to require that the nut member directly contact the base portion. The Examiner noted that independent claim 22 previously did not claim direct contact. Applicant states that in view of this amendment to independent claim 22, that Tinnerman '342 does not anticipate, disclose or suggest the invention as claimed in independent claim 22. Therefore, Applicant respectfully requests reconsideration and allowance of independent claim 22.

As Applicant states that independent claim 22 is allowable over Tinnerman '342, Applicant respectfully requests reconsideration and allowance of claims 24 and 28 as they are both ultimately dependent upon independent claim 22.

Independent claims 29, 34 and 39-42 were each amended in view of the rejection based on Tinnerman '342 in order to further distinguish independent claim 29, 34 and 39-42. More specifically, independent claims 29, 34 and 39-42 have been amended to require that the body (in

independent claims 29, 39 and 40) or the cage member (in independent claims 34, 41 and 42) provide a limited range of movement of the nut member in at least two dimensions. In the present invention, the body or cage member provides a limited range of movement of the nut member in three separate dimensions, the "X" and "Y" dimensions, as well as the "Z" dimension (axially along what could be called the bolt axis). Conversely, the body or cage member of Tinnerman '342 is only capable of providing a limited range of movement of the nut member in only one dimension, the "Z" dimension (axially along what could be called the bolt axis). The cage member of Tinnerman '342 is not configured and not capable of providing a limited range of movement of the nut member in either the "X" or "Y" dimensions. Applicant notes that the nut member in Tinnerman '342 could move in one of the "X" or "Y" dimensions (outside of the notch of part (11)), but that if the nut member in Tinnerman '342 were allowed to move in this dimension, the part (11) would no longer encage the nut member, thus defeating the purpose of the present invention.

Applicant notes that independent claims 29 and 34 have also been amended to remove the language "prior to the fastener being received in the aperture of the nut member" and that independent claims 39-42 have been amended to remove the language "freely" therefrom.

Thus, Applicant respectfully requests reconsideration and allowance of independent claims 29, 34 and 39-42 in view of the amendments made thereto.

As Applicant states that independent claim 29 is allowable over Tinnerman '342, Applicant respectfully requests reconsideration and allowance of claims 30, 32 and 33 as they are all ultimately dependent upon independent claim 29.

As Applicant states that independent claim 34 is allowable over Tinnerman '342,

Applicant respectfully requests reconsideration and allowance of claims 35, 37 and 38 as they are all ultimately dependent upon independent claim 34.

Claim Rejections – 35 U.S.C. §103

Claim 23 was rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over United States Patent No. 2,258,342 to Tinnerman in view of United States Patent No. 2,303,148 to Tinnerman.

As claim 23 is dependent upon independent claim 22, which Applicant states is in condition for allowance, Applicant respectfully requests reconsideration and allowance of claim 23.

Claims 4 and 13 were rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over United States Patent No. 3,451,455 to Parkin.

As claim 4 is dependent upon independent claim 1, which Applicant states is in condition for allowance, Applicant respectfully requests reconsideration and allowance of claim 4.

As claim 13 is dependent upon independent claim 10, which Applicant states is in condition for allowance, Applicant respectfully requests reconsideration and allowance of claim 10.

Allowable Subject Matter

The Examiner objected to claims 16-18, 26 and 27 as being dependent upon a rejected base claims, but indicated that these claims would be allowable if rewritten in independent form

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to include all of the limitations of the base claim and any intervening claims.

Applicant has not amended claims 16-18 into independent form as Applicant states that these claims are allowable as they are ultimately dependent on independent claim 10, which Applicant states is in condition for allowance in view of the amendments made thereto. Applicant, though, has added new independent claim 44 (which combines the limitations of independent claim 10 and dependent claims 11-14 and 16 prior to the amendments made thereto) and new dependent claims 45 and 46 (which are identical to claims 17 and 18, except for their dependency) which depend from new independent claim 44. Therefore, Applicant respectfully requests consideration and allowance of new claims 44-46.

Applicant has not amended claim 26 into independent form as Applicant states that this claim is allowable as it is ultimately dependent on independent claim 22, which Applicant states is in condition for allowance in view of the amendments made thereto. Applicant, though, has added new independent claim 47 (which combines the limitations of independent claim 22 and dependent claims 26 and 28 prior to the amendments made thereto). Therefore, Applicant respectfully requests consideration and allowance of new claim 47.

Applicant has not amended claim 27 into independent form as Applicant states that this claim is allowable as it is ultimately dependent on independent claim 10, which Applicant states is in condition for allowance in view of the amendments made thereto. Applicant, though, has added new independent claim 48 (which combines the limitations of independent claim 10 and dependent claims 11-13 and 27 prior to the amendments made thereto). Therefore, Applicant respectfully requests consideration and allowance of new claim 48.

Newly Added Claims

Applicant has added new independent claim 44 (which combines the limitations of independent claim 10 and dependent claims 11-14 and 16 prior to the amendments made thereto) and new dependent claims 45 and 46 (which are identical to claims 17 and 18, except for their dependency) which depend from new independent claim 44 (indicated as allowable by the Examiner). Therefore, Applicant respectfully requests consideration and allowance of new claims 44-46.

Applicant has added new independent claim 47 (which combines the limitations of independent claim 22 and dependent claims 26 and 28 prior to the amendments made thereto) (indicated as allowable by the Examiner). Therefore, Applicant respectfully requests consideration and allowance of new claim 47.

Applicant has added new independent claim 48 (which combines the limitations of independent claim 10 and dependent claims 11-13 and 27 prior to the amendments made thereto) (indicated as allowable by the Examiner). Therefore, Applicant respectfully requests consideration and allowance of new claim 48.

Applicant has added new claim 49, which is dependent on claim 2, and ultimately dependent on independent claim 1, to state that the body comprises at least one arm portion which extends directly from the base portion. The arm portions (6) of Parkin do not extend *directly* from the base portion. The arm portions (as defined by the Examiner on page 9 of the Final Office Action) of Tinnerman '342 also do not extend *directly* from the base portion. The Examiner noted in the Final Office Action on page 7 that claim 2 does not require the arm to extend directly from the base. As such, Applicant has added new claim 49 to require the arm to

extend directly from the base. In view of the foregoing, and as new claim 49 is ultimately dependent on independent claim 1, which Applicant states is in condition for allowance, Applicant respectfully requests consideration and allowance of new claim 49.

Applicant has added new claim 50, which is dependent on claim 11, and ultimately dependent on independent claim 10, to state that the cage member comprises at least one arm portion which extends directly from the base portion. The arm portions (6) of Parkin do not extend *directly* from the base portion. The arm portions (as defined by the Examiner on page 9 of the Final Office Action) of Tinnerman '342 also do not extend *directly* from the base portion. The Examiner noted in the Final Office Action on page 7 that claim 11 does not require the arm to extend directly from the base. As such, Applicant has added new claim 50 to require the arm to extend directly from the base. In view of the foregoing, and as new claim 50 is ultimately dependent on independent claim 10, which Applicant states is in condition for allowance, Applicant respectfully requests consideration and allowance of new claim 50.

Applicant has added new claim 51, which is dependent on claim 3, and ultimately dependent on independent claim 1, which requires that the two arm portions extend from opposite sides of the base portion. The arm portions (as defined by the Examiner on page 5 of the Final Office Action) of Tinnerman '342, clearly do not extend from opposite sides of the base portion. In view of the foregoing, and as new claim 51 is ultimately dependent on independent claim 1, which Applicant states is in condition for allowance, Applicant respectfully requests consideration and allowance of new claim 51.

Applicant has added new claim 52, which is dependent on claim 3, and ultimately dependent on independent claim 1, which requires that the two arm portions be configured to

move independently of one another. The arm portions (as defined by the Examiner on page 9 of the Final Office Action) of Tinnerman '342, clearly are not configured to move independent of one another. In view of the foregoing, and as new claim 52 is ultimately dependent on independent claim 1, which Applicant states is in condition for allowance, Applicant respectfully requests consideration and allowance of new claim 52.

Applicant has added new claim 53, which is dependent on claim 12, and ultimately dependent on independent claim 10, which requires that the two arm portions extend from opposite sides of the base portion. The arm portions (as defined by the Examiner on page 9 of the Final Office Action) of Tinnerman '342, clearly do not extend from opposite sides of the base portion. In view of the foregoing, and as new claim 53 is ultimately dependent on independent claim 10, which Applicant states is in condition for allowance, Applicant respectfully requests consideration and allowance of new claim 53.

Applicant has added new claim 54, which is dependent on claim 12, and ultimately dependent on independent claim 10, which requires that the two arm portions be configured to move independently of one another. The arm portions (as defined by the Examiner on page 9 of the Final Office Action) of Tinnerman '342, clearly are not configured to move independent of one another. In view of the foregoing, and as new claim 54 is ultimately dependent on independent claim 10, which Applicant states is in condition for allowance, Applicant respectfully requests consideration and allowance of new claim 54.

Applicant has added new claim 55, which is dependent on claim 33, and ultimately dependent on independent claim 29, to state that the body or cage member comprises at least one arm portion which extends directly from the base portion. The arm portions (as defined by the

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Examiner on page 9 of the Final Office Action) of Tinnerman '342 do not extend *directly* from the base portion. The Examiner noted in the Final Office Action on page 11 that claims 33 and 38 does not require the arm to extend directly from the base. As such, Applicant has added new claim 55 to require the arm to extend directly from the base. In view of the foregoing, and as new claim 55 is ultimately dependent on independent claim 29, which Applicant states is in condition for allowance, Applicant respectfully requests consideration and allowance of new claim 55.

Applicant has added new claim 56, which is dependent on claim 38, and ultimately dependent on independent claim 34, to state that the body or cage member comprises at least one arm portion which extends directly from the base portion. The arm portions (as defined by the Examiner on page 9 of the Final Office Action) of Tinnerman '342 do not extend *directly* from the base portion. The Examiner noted in the Final Office Action on page 11 that claims 33 and 38 does not require the arm to extend directly from the base. As such, Applicant has added new claim 56 to require the arm to extend directly from the base. In view of the foregoing, and as new claim 56 is ultimately dependent on independent claim 34, which Applicant states is in condition for allowance, Applicant respectfully requests consideration and allowance of new claim 56.

In view of the above Amendments and Remarks, Applicants respectfully submit that the claims of the application are allowable over the rejections of the Examiner. Should the Examiner have any questions regarding this Amendment, the Examiner is invited to contact one of the undersigned attorneys at (312) 704-1890.

Respectfully submitted,

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